THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26011 OF 2006

Dated 15th March 2007

Between:

Naini Pratap Reddy & another

…Petitioners

and

The Commissioner and Inspector General,
Registration and Stamps, A.P., Hyderabad & others.

…Respondents

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WRIT PETITION No.26011 OF 2006

O R D E R:

The 1st petitioner is the husband of 2nd petitioner. Both of them have purchased two plots, admeasuring 180 sq.yards and 120 sq.yards, in Sy.No.178/3 of Pragnapur village of Medak District, through sale deeds dated 22.11.2006, respectively. With a view to sell the said plots, they presented the sale deeds before the 2nd respondent. They state that the 2nd respondent issued letter, dated 2.12.2006, stating that the Mandal Revenue Officer, Gajwel, the 4th respondent herein, had informed him, through a letter dated 19.1.2006, that the land in Sy.No.178 is Poramboke land, and thereafter, through another letter dated 21.11.2006, informed that it is the patta land, recorded in the name of Laxmibai and Lathamma Binth Sai. After making a reference to a circular memo dated 13.11.2006, issued by the Commissioner and Inspector General of Registration and Stamps,

the 1st respondent herein, the 2nd respondent expressed his inability, to accede to the request of the petitioners, to register the documents. The petitioners challenge the same.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

There was some uncertainty, as to the nature of land in Sy.No.178. The 4th respondent initially addressed a letter to the 2nd respondent, stating that it is part of Government poramboke. Shortly thereafter, he clarified the matter, stating that it is patta land. In none of the communications, it was stated that it is assigned land. The prohibition as to registration exists, only in case of assigned lands, and not other categories of land, claimed by the Government.

The sole basis for the 2nd respondent, in addressing the impugned letter, dated 2.12.2006, is the circular memo dated 13.11.2006, issued by the 1st respondent. The circular has since been superseded by the Government, and the officer, who issued it, had tendered apology, in a different set of proceedings, for the language used by him, in that circular. Therefore, the sole basis for the impugned order ceases to exist.

Further, this court held in several cases that a registering authority cannot refuse registration, on the instructions issued by the local authorities. Section 22A of the Registration Act has been struck down. As of now, the only prohibition is in respect of assigned lands.

For the foregoing reasons, the writ petition is allowed, and the 2nd respondent is directed to process the documents presented by the petitioners, in accordance with the provisions of the Stamp Act and

Registration Act, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

15th March 2007

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